

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 28770	2. Status Change Date: 10/24/2018	3. Change Num: C1	4. Field Office: 01	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 12-OCT-2018
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8a. Applicant(s) Person ID **8506**
 New to system Add Seq# **1**

**BYRON L JACOBSON TRUST
 DANE JACOBSON
 706 COUNTRY CLUB CIR PO BOX 146
 WAMEGO KS 66547**

8d. Landowner(s) Person ID **36841**
 New to system Add Seq# **1**

**IRENE H THOES TRUST
 39034 HWY K99
 WAMEGO KS 66547**

8b. Landowner(s) Person ID **8506**
 New to system Add Seq# **1**

**BYRON L JACOBSON TRUST
 DANE JACOBSON
 706 COUNTRY CLUB CIR PO BOX 146
 WAMEGO KS 66547**

8e. Landowner(s) Person ID **35310**
 New to system Add Seq# **1**

**ELDON G & JULIE SYLVESTER
 29862 BALD EAGLE RD
 WAMEGO KS 66547**

8c. Landowner(s) Person ID **17698**
 New to system Add Seq# **1**

**ELGENE D & NOLA N SYLVESTER REV
 LIVING TRUST
 38916 K99 HWY
 WAMEGO KS 66547-8052**

8f. WUC Person ID **17698**
 New to system Add Seq# **1**

**8C NO CHANGE
 ELGENE D & NOLA N SYLVESTER REV LIVING TRUST
 38916 K99 HWY
 WAMEGO KS 66547-8052**

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/30/2018** N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **10/23/18** By: **RAK**
 Date Entered: **10/25/2018** By: **UM**

File No. 28770	11. County: WB Basin: KANSAS RIVER (8)	Stream:	Formation Code: 8 and 113	Special Use:																																																																																																																																																																																																																																																																																																																																																													
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X RAL DWR 10/25/18

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files
FROM: Richelle A. Krueger

DATE: October 24, 2018
RE: Water Right
File Nos. 28,770; 40,730 and 46,403

D.M. Jacobsen, on behalf of Byron L. Jacobsen Trust, and Nola Sylvester, on behalf of Elgene D. and Nola N. Sylvester Revocable Living Trust, filed an application for approval to change the authorized place of use for Water Right, File No. 28,770 authorized groundwater for irrigation use in the Kansas River Basin.

The above referenced file numbers do not appear abandoned as per K.S.A. 82a-718.

File No. 28,770 is authorized 86 acre-feet and 1,000 gallons per minute from one well for irrigation of 89.50 acres all in Section 15, Township 10 South, Range 10 East, Wabaunsee County. File No. 28,770 overlaps the point of diversion of Water Right, File No. 40,730 and incompletely overlaps the place of use of Water Right, File Nos. 40,730 and 46,403. File No. 40,730 is authorized 53 AF (13 AF additional) and 685 g.p.m. (0 additional) limited to 99 AF and 1,000 g.p.m. when combined with File No. 28,770. File No. 46,403 has no point of diversion overlap and is authorized 41.8 AF (5.32 AF additional) and 745 g.p.m. (745 g.p.m. additional) limited to 41.8 AF when combined with File No. 28,770. File Nos. 40,730 and 46,403 do not overlap each other in the place of use.

The application to change the place of use for File No. 28,770 was filed with the intention to remove the incomplete overlaps in the place of use which exist among the files so that File Nos. 28,770 and 40,730 will form an exact overlap in the proposed 92.50 acre place of use owned by Elgene D. and Nola N. Sylvester Revocable Living Trust; Irene H. Thoes Trust and Eldon G. and Julie Sylvester. File No. 46,403 will have no overlaps in the point of diversion and place of use and will be authorized 38 acres all owned by Byron L. Jacobsen Trust.

No changes in the quantity or rate limitations will be required for File No. 40,730. The quantity limitation on File No. 46,403 will be removed since the authorized 41.8 AF is in fact all additional to the water that was developed under File Nos. 28,770 and 40,730.

File No. 46,403 will be authorized 41.8 AF and 745 g.p.m. on 38 acres or 1.1 acre-feet per acre and File Nos. 28,770 and 40,730 will be authorized a limited quantity and diversion rate of 99 AF and 1,000 g.p.m. for 92.50 acres or 1.1 acre-feet per acre, both appear reasonable in Wabaunsee County.

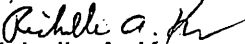
No notifications were sent since the proposals are creating exact overlaps in the authorized places of use.

The same local source of supply will not change, previously determined to be Main Stem Alluvium (113) or Kansas River (8).

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the application in an October 24, 2018 e-mail.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended the change application for File No. 28,770 and a Findings and Order for File No. 46,403 be approved.


Richelle A. Krueger
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

ELGENE D & NOLA N SYLVESTER REV LIVING TRUST
38916 K99 HWY
WAMEGO KS 66547-8052

October 25, 2018

FILE COPY

RE: Water Right, File No. 28,770

Dear Sir or Madam:

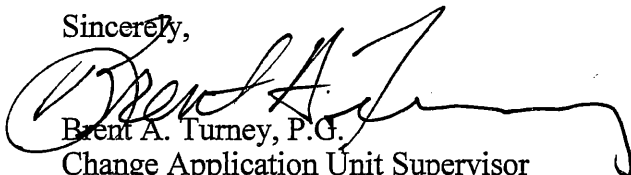
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak

pc: Topeka Field Office
Byron L. Jacobson Trust, Attn D.M. Jacobson
Irene H. Thoes Trust
Eldon G. and Julie Sylvester



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
WATER RIGHT
FILE NO. 28,770**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of D.M. Jacobson, Trustee, on behalf of Byron L. Jacobson Trust, 706 Country Club Circle, P.O. Box 146, Wamego, Kansas, 66547, and Elgene Sylvester by Nola Sylvester POA, and Nola Sylvester, on behalf of Elgene D. and Nola N. Sylvester Revocable Living Trust, 38916 K99 Highway, Wamego, Kansas, 66547, received in this office on October 12, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated October 10, 1995, more precisely describing the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the irrigation place of use shall be:

51.50 acres in Lot 4,
41.00 acres in Lot 7,

a total of 92.50 acres in Section 15, Township 10 South, Range 10 East, Wabaunsee County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 28,770, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 30, 1985, as modified and amended by the aforementioned order.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 24th day of October, 2018, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24th day of October, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 24th day of October, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 28,770, dated October 24th 2018 was mailed postage prepaid, first class, US mail to the following:

ELGENE D & NOLA N SYLVESTER REV LIVING TRUST
38916 K99 HWY
WAMEGO KS 66547-8052

With true and correct copies sent to:

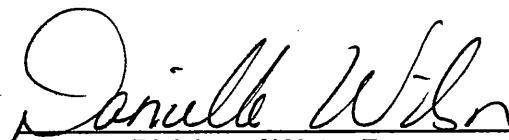
IRENE H THOES TRUST
39034 HWY K99
WAMEGO KS 66547

ELDON G & JULIE SYLVESTER
29862 BALD EAGLE RD
WAMEGO KS 66547

With photocopies sent to:

BYRON L JACOBSON TRUST
706 COUNTRY CLUB CIR PO BOX 146
WAMEGO KS 66547

Topeka Field Office



Division of Water Resources

#1

Submit completed application to:
Kansas Department of Agriculture
Division of Water Resources
Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
Stafford -- (620) 234-5311
Stockton -- (785) 425-6787
Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED

OCT 08 2018

File No. 28770

Topoka Field Office
DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

* ^{1/8} Dane Jacobson 706 Country Club Cir PO Box 146 Wamego KS 66547
Name and address of Applicant: BYRON L JACOBSON TRUST / ELGENE D & NOLA N SYLVESTER REV LIVING TRUST
%BYRON L JACOBSON TRUSTEE 2423 MEADOWLARK RD APT 145 MANHATTAN KS 66502 / 38916 K99 HWY WAMEGO KS 66547-8052
Phone Number: () Email address: _____
Name and address of Water Use Correspondent: _____

Water Resources
Received

OCT 12 2018

12:00

3. The presently authorized place of use is:

Owner of Land --- NAME: BYRON L JACOBSON TRUST ^{1/8} / ELGENE D & NOLA N SYLVESTER REV LIVING TRUST ²
% Dane Jacobson

ADDRESS: %BYRON L JACOBSON TRUSTEE 2423 MEADOWLARK RD APT 145 MANHATTAN KS 66502 / 38916 K99 HWY WAMEGO KS 66547-8052

KS Dept Of Agriculture

Sec.	Twp.	Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES		
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4			
15	10	10E										L-4 51.5				L-6 38					89.5

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land --- NAME: ELGENE D & NOLA N SYLVESTER REV LIVING TRUST ¹ / ELDON G & JULIE SYLVESTER ² / IRENE H THOES TRUST

ADDRESS: 38916 K99 HWY WAMEGO KS 66547-8052 / 29862 BALD EAGLE RD WAMEGO KS 66547 / 39034 HWY K99 WAMEGO KS 66547

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES		
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4			
15	10	10E										L-4 51.5				L-7 41					92.5

For Office Use Only: Code CPU Fee \$ 200 TR # _____ Receipt Date 10/12/18 Check # 811

APPLICATION COMPLETED
10/24/18
Reviewed RAI

* Jacobson address modified per WK25

* RAK/jan
10/24/18

SCANNED

10/15/18 DAW

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? _____
 N/A

8. If a well, is the test hole log attached? Yes No

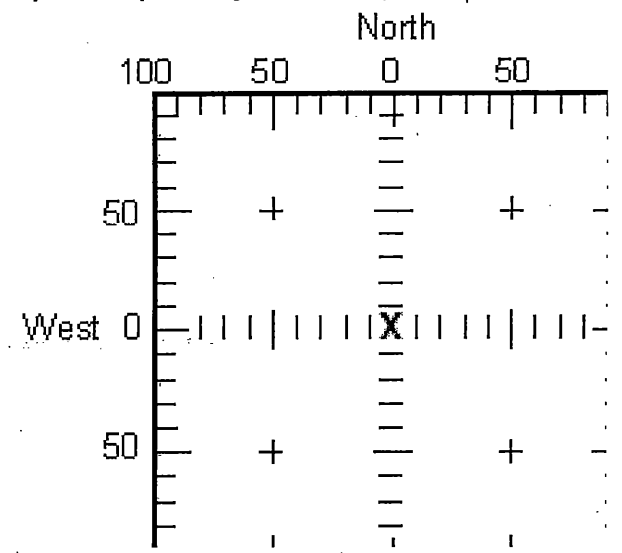
9. When do you propose to complete the new point of diversion?
 N/A

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
 N/A
 (b) When will this be done? _____

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by SHAUN JOHNSON 5-16-16

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at 10-1-18 Manhattan, Kansas, this 15th day of October, 20 18.

DM Jacobson Trustee
(Owner)

(Spouse)

DM Jacobson Trustee
(Please Print)

(Please Print)

Elgene Sylvester by Nola Sylvester POA
(Owner)

Nola Sylvester
(Spouse)

ELGENE SYLVESTER
(Please Print)

NOLA SYLVESTER
(Please Print)

(Owner)


(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Riley } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15th day of October, 20 18.

My Commission Expires _____


Karen Hunter
Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED: To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

Water Resources
Received

OCT 12 2018

SCANNED
KS Dept Of Agriculture

File No. 28770

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. _____.

1. A change application was received on _____ requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a _____ foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20____**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
7. **Installation of the works for diversion of water shall be completed on or before December 31, 20____**, or within any authorized extension of time. By March 1, 20____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
10. Additional Conditions are attached. Yes No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND
SUMMARY ORDER ISSUED

By: _____
 Duly Authorized Designee of the Chief Engineer

(Print Name): _____
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: _____

State of Kansas)
) SS
 County of _____)

Acknowledged before me on _____

by _____

Signature: _____
 Notary Public

My commission expires: _____
 (Notary Seal)

Krueger, Richelle [KDA]

From: Tietsort, Katie [KDA]
Sent: Wednesday, October 24, 2018 10:35 AM
To: Krueger, Richelle [KDA]
Cc: Bunger, Brett [KDA]; Johnson, Shaun [KDA]; Turney, Brent [KDA]
Subject: RE: Request for Recommendation Change in PU File No. 28770 Jacobsen/Sylvester

Hello Richelle,

As this will result in a complete overlap, the TFO has no objections to approval.

Thanks! Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

Achiever~Responsibility~Input~Relator~Arranger

From: Krueger, Richelle [KDA]
Sent: Tuesday, October 23, 2018 12:04 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Request for Recommendation Change in PU File No. 28770 Jacobsen/Sylvester

Hi Katie,
Attached is a draft memo for the referenced change in pu, do you recommend approval?

Thanks,

Richelle

Krueger, Richelle [KDA]

From: Johnson, Shaun [KDA]
Sent: Tuesday, October 23, 2018 3:40 PM
To: Krueger, Richelle [KDA]; Tietsort, Katie [KDA]
Cc: Bunger, Brett [KDA]; Turney, Brent [KDA]
Subject: RE: Request for Recommendation Change in PU File No. 28770 Jacobsen/Sylvester
Attachments: Authorized.jpg; Proposed.jpg

I couldn't find the original maps I had made so I made new ones. Sorry it took me awhile.

From: Krueger, Richelle [KDA]
Sent: Tuesday, October 23, 2018 12:04 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Request for Recommendation Change in PU File No. 28770 Jacobsen/Sylvester

Hi Katie,
Attached is a draft memo for the referenced change in pu, do you recommend approval?

Thanks,

Richelle

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

BYRON L JACOBSON, TRUST
2123 MEADOWLARK RD APT 145
MANHATTAN, KS 66502

October 15, 2018

RE: File No 28770

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: TOPEKA Field Office GMD

SCANNED

File No. 28,770 Authorized P/U

WATER RESOURCES
RECEIVED
OCT 23 2018
KS DEPT OF AGRICULTURE



1:12,000



SCANNED

File No. 28,770 Proposed P/U

WATER RESOURCES
RECEIVED
OCT 23 2018
KS DEPT OF AGRICULTURE



1:12,000

